

REMARKS

Allowable Subject Matter:

Applicant thanks the Examiner for indicating that claim 30 is allowed, and although claims 9 and 19 have been objected to, these claims would be allowable if written in independent form.

Specification:

The Examiner has objected to the specification under 37 C.F.R. § 1.75(d)(1) as failing to provide antecedent basis for the subject matter of claim 21. Specifically, the Examiner has indicated that there is no description of a “projection” adjacent the retainer to form a space for the cord.

Applicant disagrees with the Examiner. Specifically, as the Examiner has noted, this aspect of the claimed invention is set forth in Figure 3, and briefly discussed in the written description on page 5. Applicant submits that the Figures are considered to be a part of the specification and disclosure of the invention. As such, Applicant submits that the combination of, at least, Figure 3 and the written description, on page 5, provides sufficient antecedent basis for the subject matter of claim 21. At the very least, the non-limiting, exemplary embodiment in Figure 3 depicts a projection 7 which is positioned adjacent to the retainer and forms a space therebetween.

Accordingly, Applicant submits that sufficient antecedent basis exists, and hereby requests the Examiner reconsider and withdraw the above objection.

Claim Rejections:

Claims 1, 3-11 and 13-30 are all of the claims pending in the present application, and currently claims 1, 3-8, 10-11, 13-18 and 20-29 stand rejected.

35 U.S.C. § 103(a) Rejection - Claim 25:

Claim 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Smithson reference (U.S. Patent No. 5,008,981). In view of the following discussion, Applicant respectfully traverses the above rejection.

As shown in Figures 1 and 3, Smithson discloses a clamp which allows a cord 5 to enter through openings 10 at the top, and exit through the opening 11 at the bottom. Rather than using channels, as in the present invention, Smithson has the rope 5 pass between a clamp member 14 and the wall of the clamp assembly. However, in Smithson, there is no teaching or disclosure of having of having any dimensions of the clamp 14 smaller than the dimensions of the cord 5. In fact, as shown in each of Figures 4-7, the cord 5 has a smaller cross-section than the portions of the clamp 14 in which it lays. Further, Smithson indicates that the clamping surface 19 of the clamp member is of "generally arcuate cross-section 15 with a radius corresponding to the size of the cords." Smithson, col. 4, lines 6-9. This is done to avoid single points of contact.

In view of the foregoing, Applicant submits that Smithson fails to teach or suggest each and every feature of the claimed invention and, in fact, teaches away from the present invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 25, as required under the provisions of 35 U.S.C. § 103(a).

Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of this claim.

35 U.S.C. § 103(a) Rejection - Claims 1-4, 10, 11-14 and 20:

Claims 1-4, 10, 11-14, and 20 continue to stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bindon in view of Adams et al., of record. In view of the following discussion, Applicant respectfully traverses the above rejection.

As previously discussed, Figure 4B, of Bindon, teaches a member 10 which has a projection 26 that is used to retain a portion of the rope/string 32 which passes through the member 10. The use of the projection 26 creates the loops 30.

In rejecting the claims, the Examiner alleges that because the projection 26 provides a “frictional engagement” the gap must be smaller than the diameter of the rope 32. However, there is no disclosure of a “frictional engagement” set forth in Bindon. Recognizing this, the Examiner relies on the disclosure of Adams to teach this feature of the present invention, and asserts that it would have been obvious to combine these references.

First, Applicant disagrees that it would have been obvious to combine these references as suggested by the Examiner. Second, even if a skilled artisan were to combine the references as suggested, the resultant combination would fail to teach or suggest each and every feature of the claimed invention. In fact, Applicant submits that Adams teaches away from the present invention.

In supporting the Examiner's rejection, the Examiner states that:

"Adams et al. clearly teach such a relationship for 30 at A with a radius of 0.28 cm while the cord had a larger cross-section with a diameter of 0.63 cm." Office Action, page 4, para. 10.

Applicant disagrees with this statement regarding the teaching of the Adams reference.

Specifically, Adams clearly indicates that the hook portion **A** is to be made such that the cord **20** easily falls out when the hook **30** is moved. For this to be achieved it is clear that the cord **20** has a diameter which is less than the diameter of the portion **A**. The Examiner's above comment is misinterpreting the teachings of the reference by combining the incorrect disclosed components of Adams.

Namely, in rejecting the claims, the Examiner references the diameter of the cord **16** (0.63 cm), by asserting that this diameter is larger than the diameter of **A**. However, as clearly shown, the cord **16** is not the cord placed in the hook **30** at **A**. In fact, it is the cord **20** which is placed in the portion **A**. There is no specific disclosure of the diameter of the cord **20**.

Adams does teach, however, that the cord is of a diameter that "with the very slightest upward movement, the attachment cord **20** falls free and the bow can be drawn and shot." Adams, col. 4, lines 44-46. Adams makes it clear that the goal of the disclosure of hook **30** is to allow the cord **20** to fall free so a gun or bow can be shot with minimal effort. A skilled artisan would recognize that to allow a cord **20** to fall free "with the very slightest movement" would require the cord **20** to have a smaller diameter than the opening **A**. Stated differently, if there existed a "frictional engagement" as suggested by the Examiner, then the cord **20** would not fall

free, but instead would be stuck and remain in the clamp 30.¹ This would require the hunter to use both hands to release the cord 20, which is contrary to Adams invention.

In view of the foregoing, Applicant submits that the Examiner's understanding and application of the Adams reference is incorrect and contrary to the present invention. Specifically, if a skilled artisan were motivated to combine the references, they would be motivated to increase the opening for "quick release." To reject the claims, the Examiner is changing the Adams disclosure by placing the larger cord 16 where the cord 20 is to be placed.

Additionally, Applicant also notes that the Examiner has indicated that because Bindon discloses a "frictional engagement," Bindon discloses having the space 23 smaller than the height of the cord 30. Applicant, again, disagrees with the Examiner.

Specifically, the Examiner appears to be arguing that this feature is "inherent" in Bindon. However, the Examiner's reliance on this doctrine is misplaced. Bindon clearly discloses that the slot 23 is to be the approximate height of the rope 30. Thus, Bindon does not leave this aspect of the disclosure up to question, but instead clearly defines the height, which is about the same height as the cord. Applicant submits that it is improper for the Examiner to argue that Bindon "inherently" teaches an aspect of the claimed invention which Bindon expressly states is not the case.

In view of the foregoing, Applicant submits that (1) as skilled artisan would not have combined the references as suggested by the Examiner, and (2) even if the references were

¹ Adams also states that "as the block rotates, the attachment cord 20 falls free and the bow is released into the user's bow hand." Col. 5, lines 42-44. To accomplish this the diameter of the cord 20 must be smaller than the opening A in the hook 30.

combined as suggested by the Examiner, the resultant combination would fail to teach or suggest each and every feature of the claimed invention. In fact, at least Adams teaches away from the present invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to the above rejected claims, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of these claims.

35 U.S.C. § 103(a) Rejections - Claims 5-8, 15-18, 21-24, and 26-29:

Claims 5-8, 15-18, 21-24, and 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bindon in view of Adams, and in further view of additional references (i.e. Prosen, Bealmear, and Eggeman). However, Applicant submits that because none of these additional references cure the deficient teachings of the Bindon and Adams references, Applicant submits that these claims are also allowable, at least by reason of their dependence, and/or for similar reasons to those set forth above.

With regard to the Bealmear reference (the Examiner's rejection of claims 21-24), Applicant additionally notes that the Examiner's analysis seems to misrepresent the teachings of this reference. In rejecting the claims, the Examiner argues that the upper portion 110 is the "projection" of the claimed invention. However, Applicant notes that if this the case, then Bealmear fails to disclose a retaining portion. Specifically, in the claimed invention, the projection is adjacent to the retaining portion which retains the cord or strand to form the loop. Without the projection portion in Bealmear the clip would be unable to retain the cord. Thus,

contrary to the Examiner's assertions, the entire opening is the retaining portion, and there is no disclosure of the projection of the claimed invention.

Additionally, Applicant submits that skilled artisan would not have been motivated to combine the references, as suggested by the Examiner. Specifically, even if it were presumed that Bealmear discloses a projection adjacent to a retaining portion there is no motivation to combine the references as suggested. Bindon fails to provide any such motivation and Adams clearly teaches away from such a combination, as such a modification would prevent the cord 20 from falling "freely" as Adams requires. Therefore, Applicant submits that these claims are also allowable, and hereby requests the Examiner withdraw the above 35 U.S.C. § 103(a) rejection of these claims.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.116
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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